

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-571V

Filed: October 19, 2016

PHILLIP FERGUSON,

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UNPUBLISHED

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Special Master Hamilton-Fieldman

Petitioner,

*

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v.

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Attorneys' Fees and Costs;

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Reasonable Amount Requested

SECRETARY OF HEALTH

*

to which Respondent Does Not

AND HUMAN SERVICES,

*

Object.

*

Respondent.

*

Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Darryl R. Wishard, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On July 7, 2014, Phillip Ferguson ("Petitioner") petitioned for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (2012). Petitioner alleged that the administration of an influenza vaccine on October 2, 2013 caused him to suffer from an allergic reaction and chronic urticaria. On August 11, 2016, the undersigned issued a decision awarding compensation to Petitioner pursuant to a joint stipulation of the parties.

On October 18, 2016, Petitioner filed an unopposed application for attorneys' fees and

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the purposes espoused in the E-Government Act of 2002. See 44 U.S.C. § 3501 (2012). Each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

costs. Petitioner requests compensation in the amount of \$38,237.78 in attorneys' fees and costs, of which none were personally incurred by Petitioner. Application for Fees and Costs at 1-2, docket no. 51, filed Oct. 14, 2016. Respondent has reviewed the application for fees and costs and does not object to the amount sought. Application for Fees and Costs at 1, docket no. 52, filed Oct. 16, 2016.

In accordance with the Vaccine Act, 42 U.S.C. § 300aa-15(e) (2012), the undersigned finds that Petitioner's request for fees and costs is reasonable. **Accordingly, the undersigned hereby awards the amount of \$38,237.78, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Paul Brazil, of Muller Brazil, LLP.** In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court shall enter judgment in accordance herewith.²

IT IS SO ORDERED.

/s/Lisa D. Hamilton-Fieldman

Lisa D. Hamilton-Fieldman

Special Master

² Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. Vaccine Rule 11(a).